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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,991	01/05/2000	BRYCE A. JONES	1264	1039
28004 SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100	7590 10/29/2008		<div>EXAMINER</div> <div>BURGESS, BARBARA N</div>	
			<div>ART UNIT</div> <div>2457</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>10/29/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/477,991

**Applicant(s)**

JONES, BRYCE A.

**Examiner**

BARBARA N. BURGESS

**Art Unit**

2457

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 166-185 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 166-185 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to amendment filed July 14, 2008. Claims 166-185 are presented for further examination.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 166-185 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenberg et al. (hereinafter "Greenberg", 2001/0038624 A1) in view of Neumann et al. (hereinafter "Neumann", US Paten 6,744,761 B1).

As per claims 166 and 176, Greenberg discloses a method and communication system for routing a voice call, wherein the voice call originates from a user device including a cookie and wherein a call center has a plurality of call center resources, the method and communication system comprising:

- Receiving the voice call from the user device including the cookie (paragraphs [0076, 0083, 0125, 0127]).

Greenberg does not explicitly disclose:

- Processing the cookie from the user device to select one of the call center resources;
- Routing the voice call originating from the user device to the selected one of the call center resources.

However, the use and advantages of processing cookies to select a call center resource and routing the call to the call center resource is well-known to one of ordinary skill in the art as evidenced by Neumann (column 1, lines 13-31, column 2, lines 10-14, column 9, lines 24-31, 55-67, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Neumann's processing of cookies to select call center resources and routing to the call center resource in Greenberg's method in order that suitable resources may be able to adequately respond to incoming media stream.

As per claims 167 and 177, Greenberg discloses method and system of claims 166 and 176, wherein the voice call is comprises a Get document request in Hyper Text Transfer Protocol (paragraphs [0045, 0050]).

As per claims 168 and 178, Greenberg does not explicitly discloses the method and system of claims 166 and 176, wherein processing the cookie from the user device to select one of the call center resources is further based upon caller-entered information.

However, the use and advantages of processing cookies to select a call center resource and routing the call to the call center resource is well-known to one of ordinary skill in the art as evidenced by Neumann (column 1, lines 13-31, column 2, lines 10-14, column 9, lines 24-31, 55-67, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Neumann's processing of cookies to select call center resources and routing to the call center resource in Greenberg's method in order that suitable resources may be able to adequately respond to incoming media stream.

As per claims 169 and 179, Greenberg does not explicitly disclose the method and system of claims 166 and 176, wherein processing the cookie from the user device to select one of the call center resources is further based upon an Internet Protocol address.

However, the use and advantages of processing cookies to select a call center resource and routing the call to the call center resource is well-known to one of ordinary skill in the art as evidenced by Neumann (column 1, lines 13-31, column 2, lines 10-14, column 9, lines 24-31, 55-67, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Neumann's processing of cookies to select call center resources and routing to the call center resource in Greenberg's

method in order that suitable resources may be able to adequately respond to incoming media stream.

As per claims 170 and 180, Greenberg does not explicitly disclose the method and system of claims 166 and 156, wherein processing the cookie from the user device to select one of the call center resources is further based upon a domain name. However, the use and advantages of processing cookies to select a call center resource and routing the call to the call center resource is well-known to one of ordinary skill in the art as evidenced by Neumann (column 1, lines 13-31, column 2, lines 10-14, column 9, lines 24-31, 55-67, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Neumann's processing of cookies to select call center resources and routing to the call center resource in Greenberg's method in order that suitable resources may be able to adequately respond to incoming media stream.

As per claims 171 and 181, Greenberg does not explicitly disclose the method and system of claims 146 and 176, wherein processing the cookie from the user device to select one of the call center resources is further based upon one or more of a day or a time of day. However, the use and advantages of processing cookies to select a call center resource and routing the call to the call center resource is well-known to one of ordinary skill in

the art as evidenced by Neumann (column 1, lines 13-31, column 2, lines 10-14, column 9, lines 24-31, 55-67, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Neumann's processing of cookies to select call center resources and routing to the call center resource in Greenberg's method in order that suitable resources may be able to adequately respond to incoming media stream.

As per claims 172 and 182, Greenberg does not explicitly disclose the method and system of claims 166 and 176, wherein processing the cookie from the user device to select one of the call center resources is further based on the least busy agent. However, the use and advantages of processing cookies to select a call center resource and routing the call to the call center resource is well-known to one of ordinary skill in the art as evidenced by Neumann (column 1, lines 13-31, column 2, lines 10-14, column 9, lines 24-31, 55-67, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Neumann's processing of cookies to select call center resources and routing to the call center resource in Greenberg's method in order that suitable resources may be able to adequately respond to incoming media stream.

As per claims 173 and 183, Greenberg does not explicitly disclose the method and system of claims 166 and 176, wherein processing the cookie from the user device to select one of the call center resources is further based on the least congested route. However, the use and advantages of processing cookies to select a call center resource and routing the call to the call center resource is well-known to one of ordinary skill in the art as evidenced by Neumann (column 1, lines 13-31, column 2, lines 10-14, column 9, lines 24-31, 55-67, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Neumann's processing of cookies to select call center resources and routing to the call center resource in Greenberg's method in order that suitable resources may be able to adequately respond to incoming media stream.

As per claims 174 and 184, Greenberg does not explicitly disclose the method and system of claims 166 and 176, wherein processing the cookie from the user device to select one of the call center resources is further based on one or more a class of service or a quality of service. However, the use and advantages of processing cookies to select a call center resource and routing the call to the call center resource is well-known to one of ordinary skill in the art as evidenced by Neumann (column 1, lines 13-31, column 2, lines 10-14, column 9, lines 24-31, 55-67, Abstract).



Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Neumann's processing of cookies to select call center resources and routing to the call center resource in Greenberg's method in order that suitable resources may be able to adequately respond to incoming media stream.

As per claims 175 and 185, Greenberg does not explicitly disclose the method and system of claims 166 and 176, further comprising selecting a web service application based upon the cookie. However, the use and advantages of processing cookies to select a call center resource and routing the call to the call center resource is well-known to one of ordinary skill in the art as evidenced by Neumann (column 1, lines 13-31, column 2, lines 10-14, column 9, lines 24-31, 55-67, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Neumann's processing of cookies to select call center resources and routing to the call center resource in Greenberg's method in order that suitable resources may be able to adequately respond to incoming media stream.

### ***Response to Arguments***

**The Office notes the following argument(s):**

(a) Greenberg III cited for paragraphs [0125, 0127] is a continuation-in-part of 09/637,805 now US Patent 6,791,974 (Greenberg II) and a continuation-in-part of 09.272,139 (Greenberg I) now abandoned.

Greenberg II appears to cite the paragraphs from Greenberg III as stated above.

However, the record available to Applicant does not indicate whether these paragraphs are present in Greenberg I.

(b) The portions of Greenberg III that are possibly available as prior art (paragraphs [0125, 0127]) do not teach receiving a voice call from a user device including the cookie.

(c) The cookies are uploaded separate from the voice call.

3. Applicant's arguments filed have been fully considered but they are not persuasive.

**In response to:**

(a) Greenberg III claims priority to Greenberg I filed March 19, 1999. Therefore, Greenberg III is prior art against instant application because it predates the application's filing date of January 15, 2000. It's the burden of the Applicant to show that Greenberg I does not disclose the cited portions of Greenberg III. This burden has not been met. Applicant admits that the cited portions of Greenberg III are found in Greenberg II and presumably in Greenberg I.

(b) Greenberg III teaches converging the cookie information, web pages accessed by the user to provide Voice over Internet service. This is delivered to the customer related management system (paragraphs [0125, 0127]).

Therefore, Greenberg III undoubtedly discloses receiving a voice call from a user device including the cookie.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., cookies are uploaded together with the voice call) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As well, Examiner requests Applicant to show where in the specification that the cookies and voice call are uploaded together.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

/Barbara N Burgess/  
Examiner, Art Unit 2457

Barbara N Burgess  
Examiner  
Art Unit 2457

October 25, 2008

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457